

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Norfolk Division

UNITED STATES OF AMERICA	)	
	)	Criminal No. 2:16-cr-85
v.	)	
	)	
RON GERARD YARBOROUGH,	)	
BRANDON ANTHONY STEPHENS,	)	
DETRON LASHANNON JACKSON,	)	
RONALD ANTONIO JACKSON,	)	
DEANGELO RAYDEL HYMAN,	)	
CARLTON ARNELL WILSON, and	)	
AJENE HAMANI JORDAN,	)	
Defendants.	)	

**GOVERNMENT'S MOTION TO CERTIFY CASE AS "COMPLEX" AND  
FOR FINDING OF EXCLUDABLE DELAY UNDER THE SPEEDY TRIAL ACT**

The United States, by and through its attorneys, Dana J. Boente, United States Attorney for the Eastern District of Virginia, and Sherrie S. Capotosto, Assistant United States Attorney, respectfully requests this Court to certify this case as "complex" under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B)(ii) and to make a finding that a basis exists for excludable delay under the §3161(h) of the Act. Six of the seven co-defendants are presently set to be arraigned on Wednesday, July 6, 2016. In support of its Motion, the United States submits the following:

**I. Complex Case Exception**

Section 3161(h)(7)(B)(ii) enables the Court to schedule the trial of this case beyond the 70-day time limit of the Speedy Trial Act when "... the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section." *See United States v. Reavis*, 48 F.3d 763, 771 (4<sup>th</sup> Cir. 1995). In the instant case, the indictment includes seven defendants, and alleges 108 separate counts, including Count One which charges a Title 21

U.S.C. §846 conspiracy with 207 separate overt acts occurring over a seven-year period. The overt acts allegedly occurred in multiple jurisdictions and involved multiple controlled substances and numerous co-conspirators. The indictment alleges a long-term narcotics distribution conspiracy involving hundreds of kilograms of cocaine, multiple kilograms of crack cocaine, and significant quantities of heroin, resulting in millions of dollars of illegal proceeds from the sale of these narcotics. The indictment also alleges numerous instances wherein members of the conspiracy possessed and used firearms in furtherance of their drug trafficking activities. The government began its investigation in approximately 2012 and gathered a large amount of evidence to support both the narcotics and firearm charges, including twenty-six separate controlled purchases of narcotics made from members of the conspiracy during 2010, 2013-2014. The investigation culminated in a Court Order for the interception of wire and electronic communications of three cell phones used by three of the main targets of the investigation over a sixty-day period during between April 14, 2015 and June 13, 2015. The Title III intercept involved thousands of recorded phone calls which have been transcribed and will be made available to defense counsel. Consequently, the evidence which the government will seek to introduce at trial and which will be provided to the defendants once discovery orders have been entered by the Court, is voluminous (estimated at over 2,500 pages). Counsel for the defendants will need considerably more than the customary two weeks to review this evidence in contemplation of filing pretrial motions. Trial in this matter will require extensive preparation by both sides such that trial within the standard 70-day time limit will be almost impossible. Therefore, the Court should certify the case as “complex” so that trial may occur beyond the 70-day deadline imposed by the Speedy Trial Act.

## **II. Joinder of Defendants and Removal Proceedings Exceptions**

Title 18, United States Code, Section 3161(h)(1)(E) provides that “delay resulting from

any proceeding related to the transfer of a case or removal of any defendant from another district under the Federal Rules of Criminal Procedure” shall be excluded in computing the time within which trial must commence. Similarly, Section 3161(h)(1)(F) also provides for exclusion of “delay resulting from transportation of any defendant from another district.” Finally, Section 3161(h)(6) provides that a reasonable period of delay shall be excluded from the time computation “when the defendant is joined for trial with a codefendant for whom the time for trial has not run and no motion for severance has been granted.”

In the instant case, three of the seven co-defendants (RON YARBOROUGH, DEANGELO HYMAN and BRANDON STEPHENS) were arrested on June 14, 2016. DETRON JACKSON was arrested on June 15, 2016. Two co-defendants, AJENE JORDAN and CARLTON WILSON were transferred from state custody in Virginia Beach and Chesapeake, Virginia, respectively, by Writ of Habeas Corpus Ad Prosequendum to the Eastern District of Virginia on June 23, 2016. The final defendant, RONALD JOHNSON, remains a fugitive, however, the case agents are fairly confident he will be located and arrested within the next 30 days. Consequently, the six co-defendants that are presently in custody have three different speedy-trial deadlines because they initially appeared in the Eastern District on different dates. Finally, all of these co-defendants have been properly joined for trial, and no motion for severance has been granted. Therefore, the United States respectfully submits that the above referenced transfer and removal proceedings, and proper joinder of seven co-defendants, one of whom has not initially appeared on these charges in this district yet, provide the Court with additional bases to extend the Speedy Trial deadline.

### **III. Conclusion**

The United States respectfully request that this honorable Court enter an Order finding that this case is complex within the meaning of the Speedy Trial Act, pursuant to 18 U.S.C. §3161(h)(7)(B)(ii). The United States further requests that the Court make specific findings

that the ends of justice served by such action outweigh the defendants' and the public interest in a speedy trial, and justify delay of trial based on transfer and removal of defendants from other districts pursuant to 18 U.S.C. §3161(h)(1)(E) and (F), and the joinder of defendants for trial pursuant to 18 U.S.C. §3161(h)(6).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30<sup>th</sup> day of June, 2016, I electronically filed the foregoing Motion to Certify Case as "Complex" and for Finding of Excludable Delay under Speedy Trial Act with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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